

Remarks

Claims 59, 61-66, 68-78, 100-111, 113 and 115 are now in the case. Claims 112 and 114 have been cancelled. Claim 73 has been amended. Claims 59, 61-66, 68-72, 113 and 115 are allowed. Support for the amended claims can be found throughout the specification, see in particular page 12, lines 20-21, figures 1, 2 and 4 and examples 4 and 5.

Objection to the claims

Claim 112 is objected to because claim 112(g) and 112(n) elements are duplicates of each other.

Applicants' thank the Office for pointing out this typographical error. However, merely to advance prosecution of the pending claims, claim 112 has been cancelled. Applicants reserve the right to pursue the claimed matter in future continuation applications.

Applicants respectfully submit that for at least the reasons stated above, the objection of claim 112 is moot and withdrawal of the objection is respectfully requested.

Rejection under U.S.C. §112, first paragraph (New Matter)

Claims 112 and 114 remain rejected under 35 U.S.C. §112, first paragraph, as being considered to contain matter that was not described in the specification.

Applicants respectfully traverse these grounds for rejection. Applicants do not accede to the Office's assertion, however merely to advance prosecution of the pending claims, claims 112 and 114 have been cancelled. Applicants reserve the right to pursue the cancelled matter in continuation applications.

Applicants respectfully submit that for at least the reasons stated above, the rejection of claims 112 and 114 under 35 U.S.C. §112, first paragraph (New Matter), is moot and withdrawal of the rejection is respectfully requested.

Rejection under U.S.C. §112, first paragraph (Enablement)

Claims 73-78, 100-112 and 114 remain rejected under U.S.C. §112, first paragraph, allegedly because the specification is not enabling.

Applicants respectfully traverse these grounds for rejection. Applicants do not accede to the Office's assertion, however merely to advance prosecution of the pending claims, claim 73 has been amended to recite "A substantially purified nectin 3 polypeptide comprising an amino acid sequence selected from the group consisting of: (a) amino acids 58 through 342 of SEQ ID NO:4, 6, 10, 12, or 31; (b) amino acids 74 through 342 of SEQ ID NO:4, 6, 10, 12, or

31; (c) amino acids 74 through 404 of SEQ ID NO:4 or 6; and (d) amino acids 74 through 365 of SEQ ID NO:10, 12, or 31; wherein said polypeptide inhibits endothelial cell migration.” Claims 74-78 and 100 depend from amended claim 73. As discussed above, claims 112 and 114 have been cancelled.

Applicants thank the Office for their observation of a typographical error in the previous response that read “claims 79-100 had been cancelled” (page 9, middle paragraph of the previous response). The sentence should have read “claims 79-99 had been cancelled”, as indicated in the Remarks and Amendment to the Claims sections of that response.

Applicants respectfully submit that for at least the reasons stated above, the rejection of claims 73-78, 100-112 and 114 under 35 U.S.C. §112, first paragraph (Enablement), has been overcome and withdrawal of the rejection is respectfully requested.

Rejection under U.S.C. §112, first paragraph (Written Description)

Claims 73-78, 100-112 and 114 remain rejected under U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants respectfully traverse these grounds for rejection. Applicants do not accede to the Office’s assertion, however merely to advance prosecution of the pending claims, claim 73 has been amended to recite “A substantially purified nectin 3 polypeptide comprising an amino acid sequence selected from the group consisting of: (a) amino acids 58 through 342 of SEQ ID NO:4, 6, 10, 12, or 31; (b) amino acids 74 through 342 of SEQ ID NO:4, 6, 10, 12, or 31; (c) amino acids 74 through 404 of SEQ ID NO:4 or 6; and (d) amino acids 74 through 365 of SEQ ID NO:10, 12, or 31; wherein said polypeptide inhibits endothelial cell migration.” Claims 74-78 and 100 depend from amended claim 73. As discussed above, claims 112 and 114 have been cancelled.

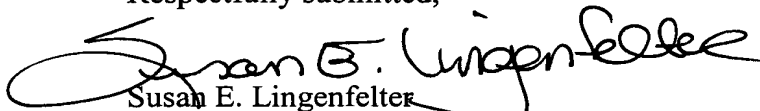
Applicants respectfully submit that for at least the reasons stated above, the rejection of claims 73-78, 100-112 and 114 under 35 U.S.C. §112, first paragraph (Written Description), is moot and withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicants submit that the presented claims are in condition for allowance. A favorable action is earnestly requested. Applicants’ attorney invites the Examiner to call her at the number below if any issue remains outstanding.

No fee under 37 C.F.R. 1.17(p) is believed to be required. However, should it be determined that a fee is necessary, the Commissioner is hereby authorized to charge any filing fees which may be required or credit any overpayment to Deposit Account No. 09-0089 in the name of Immunex Corporation.

Respectfully submitted,



Susan E. Lingenfelter

Registration No. 41,156

Direct Dial No. (206) 265-7340

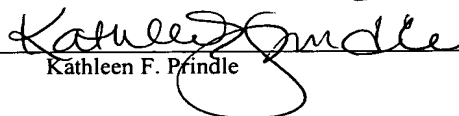
Date: August 17, 2006

Immunex Corporation
Law Department
1201 Amgen Court West
Seattle, WA 98119
Telephone (206) 265-7000

CERTIFICATE OF MAILING

I hereby certify that this correspondence if being deposited with the United States Postal Service as first class mail in an envelope addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

August 17, 2006
Date


Kathleen F. Prindle